



DOCKET NO. 2004-1003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Modrell, et al.

Serial Nos.: 10/685,893

Filed: 15 October 2003

10 For: FLEXIBLE LID WITH OPPOSABLE TABS AND UNIQUE CUTBACK SECURING
FEATURE

Art Unit: 3727

15 Examiner: James N. Smalley

AMENDMENT

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Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

Sir/Madam:

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This is in response to the Office Action dated August 9, 2005 with a mailing date of August 9, 2005, having a response due by November 9, 2005 (three-month shortened statutory period), extendable under 37 CFR 1.136(a) until six months from the mailing date. Applicant respectfully requests the Commissioner to grant the enclosed petition for the extension of time of one month, 30 which is required to make this response timely.

The following amendments and remarks are respectfully submitted.

Statement of Substance for Interview

Under MPEP § 713.04, in response to the Interview held 10 November 2005 between applicant's attorney of record, Matthew T. Welker, and USPTO Examiner James N. Smalley, applicant submits the following remarks. Examiner has agreed that the proposed Amended Claim

- 5 Language of Claim 10 as attached to the Interview Summary is sufficient to overcome the claim rejections based on 35 USC § 112, second paragraph. Examiner also suggested that Applicant submit a "combination claim" where the preamble narrows the claims to a specific combination of the lid engaging a container with a rolled bottom edge in efforts to further narrow the claim language to overcome what Examiner described as a "crowded art". Applicant's attorney invited
- 10 the examiner to schedule any additional interviews necessary to ensure accurate and acceptable claim language so that a second office action allowance can be generated with no further changes or amendments necessary if this response successfully traverses the 102 and 103 rejections.